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C O N F I D E N T I A L BANGKOK 002193

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DEPT FOR L/LEI - J COGAN AND EAP

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TAGS: [PREL](#) [PGOV](#) [CJAN](#) [CASC](#) [CPAS](#) [SNAR](#) [KCRM](#) [TH](#)

SUBJECT: EXTRADITION OF SUWIT PRASOPRAT

REF: A. STATE 58458

[1](#)B. BANGKOK 2168

Classified By: Ambassador Ralph Boyce for reasons 1.4 (b) (d)

[1](#)1. (SBU) Due to the just completed Thai New Year holiday, the earliest Post could meet with a senior Thai counterpart to deliver Reftel A demarche would be later this week. In the meantime, mid-level RTG officials have reiterated that their position will not change from that given to DCM by MFA Deputy Director General for American Affairs, Mr. Apirath Vienravi, on April 12. As noted previously, the RTG is unable to go beyond the assurances provided on April 12 because such assurances would encroach upon a royal prerogative.

[1](#)2. (SBU) To reiterate: Post has obtained solid assurances from the RTG that, should Suwit receive a death sentence upon his return to Thailand, the RTG will recommend to the Palace that his sentence be commuted (Reftel B). Post inquired with sources in the Ministry of Justice (the Ministry charged with formally recommending a pardon) who reported that, to their knowledge, no petition for pardon recommended by the MOJ had ever been rejected. Nevertheless, it is impractical for the RTG to provide an unequivocal assurance on a matter that is ultimately the prerogative of the King. Post notes that the precise wording of Article 6 of the US-Thailand extradition treaty appears designed specifically to take this particular reality into account.

[1](#)3. (SBU) Thailand has been an outstanding treaty partner and one of the USG's best international MLAT partners. The US-Thailand extradition treaty is an important tool in US law enforcement efforts in this region, and RTG cooperation vis-a-vis this treaty is an essential element in US efforts to combat drug trafficking. The death penalty is a possible (often mandatory) sentence for all major drug-related offenses in Thailand. If the Department refused to extradite Suwit despite RTG assurances in accordance with the treaty, it is conceivable the Thai might conclude that the extradition treaty would be ineffective or even inoperable in terms of extraditing wanted drug traffickers from the US. Post believes that for the Department to refuse extradition after receiving RTG assurances consistent with Article 6 would be detrimental to our relations with Thailand in this respect, and would have potentially serious negative repercussions in our broader mutual legal assistance relationship with Thailand which covers counter-terrorism, fraud, homicide, and intellectual property rights matters.

[1](#)4. (C) DOJ and DHS/CIS report that Suwit's citizenship is subject to denaturalization based on fraudulent statements made on his citizenship application and in the oath of citizenship that he took upon becoming a US citizen. The District Court for the Central District of California noted in its findings in the Extradition Certification of Suwit Prasoprat "the Fugitive (Suwit) failed to disclose in his Application for Naturalization to the United States several visits to Thailand during which visits the Fugitive communicated with several individuals concerning the sale of heroin." The Thai arrest warrant for Suwit was issued on October 3, 2000. The RTG formally presented its request for Suwit's extradition on March 16, 2001. Suwit was naturalized as a US citizen on May 9, 2001. He was arrested in the Central District of California on/about May 17, 2001.

[1](#)5. (C) Post strongly endorses the decision to extradite Suwit so that he may stand trial for the charges brought against him in Thailand. We regret that we are unable to attain the specific assurances requested in Reftel A. We are confident that Suwit will have access to adequate legal representation in Thailand and will receive due process consistent with Thai law. We are also confident that the RTG will stand by its assurances to recommend a pardon if Suwit is ultimately convicted and subsequently sentenced to death. Although we understand that this is a determination for the Department to make, we believe the consequences of violating the highly successful US-Thailand extradition treaty outweigh considerably the risk of extraditing Suwit to stand trial in Thailand.

